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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIO ALBERTO RODRIGUEZ, JR.,

Plaintiff,

No. C 12-04033 JSW

v.

SANTA CLARA COUNTY MAIN JAIL,

**ORDER OF DISMISSAL**

Defendant.

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On December 10, 2012, this Court issued its second order to show cause why this matter should not be dismissed for failure to prosecute. Plaintiff, appearing *pro se*, has failed to respond to the outstanding order to show cause. The order required a written response by no later than January 11, 2013. Plaintiff was admonished that failure to respond to the order to show cause would result in dismissal of this action for failure to prosecute.

Now the Court has received notice from Defendant that Plaintiff has failed to appear at his properly notice deposition set for January 14, 2013. Although Plaintiff proceeds *pro se*, he is obligated to prosecute his case and respond to outstanding discovery obligations.

Accordingly, this matter is DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Court shall issue a separate judgment and the Clerk may close the file.



1 **IT IS SO ORDERED.**

2 Dated: January 23, 2013

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4 JEFFREY S. WHITE  
5 UNITED STATES DISTRICT JUDGE

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9 UNITED STATES DISTRICT COURT  
10 FOR THE  
11 NORTHERN DISTRICT OF CALIFORNIA

12 MARIO ALBERTO RODRIGUEZ JR.,

13 Case Number: CV12-04033 JSW

14 Plaintiff,

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CERTIFICATE OF SERVICE

v.

SANTA CLARA COUNTY MAIN JAIL et  
al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 23, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mario Alberto Rodriguez  
P.O. Box 12945  
Fresno, CA 93779

Dated: January 23, 2013

*Jennifer Ottolini*  
Richard W. Wiking, Clerk  
By: Jennifer Ottolini, Deputy Clerk